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ABSTRACT

Designed for middle school through high school students, this unit contains eight lesson plans that focus on District of Columbia state law. The state lessons correspond to lessons in the volume, "Antidote: Civic Responsibility. Drug Avoidance Lessons for Middle School & High School Students." Developed to be presented by educators, law student, or attorneys, the state lessons are interactive and sequential, although individual lessons can stand alone. The document includes legal information about driving while intoxicated, drug offenses, sentencing, and drug and alcohol statutes written specifically to combat juvenile abuse. (RJC)

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Antidote: Civic Responsibility

District of Columbia Law

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Lesson 1

1. **Has Aimee or her parents violated any District of Columbia laws? Have her parents?**

   Aimee has violated no law, since there is presently no law which makes a minor liable for an unintentionally dangerous act toward another minor. However, if it is found that the girls' parents are consistently endangering the children by leaving them without adequate supervision or medical care, they may be guilty under D.C. Code Ann. § 22-902 (1993) of child neglect, a misdemeanor offense carrying a penalty of a fine of up to $100 or up to three months' imprisonment, or both. In cases of neglect, the authorities may take custody of the children if deemed necessary. D.C. Code Ann. § 6-2105 (1993). D.C. Code Ann. § 16-2309(a)(3) (1993) also provides that a child may be taken into custody by a law enforcement officer when he has reasonable grounds to believe that the child is in immediate danger from his or her surroundings and that the removal of the child from his or her surroundings is necessary. Depending on the children's situation, such grounds might exist.

2. **Does District of Columbia statute allow 17-year-old Tyrell to drink a glass of wine with his dinner without his parents' consent?**

   No, Tyrell may not drink the wine even with his parents' permission. D.C. Code Ann. § 25-103 (1993) dealing with alcoholic beverage control defines the words "alcoholic beverage" or "beverage" as meaning the "4 varieties of liquor...(alcohol, spirits, wine, and beer)...." or any liquid or solid containing them. Under D.C. Code Ann. § 25-130(b) (1993), "No person who is under 21 years of age shall drink any beverage in the District...." In addition, § 25-130(c) provides that "no person shall, within the District, offer, give, provide, or otherwise make available any beverage to any person under 21 years of age." The sale or delivery of beverages to anyone under 21 years of age is also prohibited under D.C. Code Ann. § 25-121(a) (1993).

3. **Is Maria violating any law when she tells her roommates whom to call to buy marijuana?**

   Whether Maria's actions constitute a crime depends largely on the extent of her involvement with the actual seller of the marijuana. If Maria is merely telling her friends the identity of someone she believes sells marijuana, she is not violating any statute. If she is acting to facilitate a drug purchase by her friends, i.e. is a key element in the sale of the marijuana and receives some consideration for her participation, she may be considered to have constructive possession of the drugs and could be charged with possession, even though she does not have physical possession. D.C. Code Ann. § 33-541(a)(1). In addition, D.C. Code Ann. § 22-105

(1993) provides that all persons advising, inciting or conniving at an offense, or aiding or abetting the principal offender, shall be charged as principals and not as accessories. If she is involved in this way, she may also be guilty of conspiracy under D.C. Code Ann. § 33-549 (1993). Conspiracy to commit any offense defined in the D.C. Code's subchapter on controlled substances is punishable by imprisonment or fine or both which may not exceed the maximum punishment prescribed for the offense, the commission of which was the object of the conspiracy.

If Maria is participating in a drug conspiracy, she may also be violating federal law under 18 U.S.C.A. § 371 (West 1993), which prohibits conspiracy to commit any offense against the United States, and 21 U.S.C.A. § 846 (West 1993), which prohibits any attempt or conspiracy to commit any violation of federal drug control statutes.

4. **Are Adam and Alex breaking any laws other than those against drinking and fighting?**

The twins are violating several laws. D.C. Code Ann. § 25-128(a) (1993) provides: "No person in the District of Columbia, whether in or on public or private property, shall be intoxicated and endanger the safety of himself or of any other person or of property."

Depending on the circumstances of the brawl, Adam and Alex may also be committing or be the victims of an assault. "Assault is an attempt or effort with force or violence to do injury to the person of another, coupled with the apparent present ability to carry out such attempt or effort." Anthony v. United States, App. D.C., 361 A.2d 202 (1976). There are several sections of the D.C. Code which deal with assault. D.C. Code Ann. § 22-501 (1993) defines assault with intent to kill and provides a penalty of imprisonment for two to 15 years for that offense. D.C. Code Ann. § 22-503 (1993) states: "Whoever assaults another with intent to commit any other offense which may be punished by imprisonment in the penitentiary shall be imprisoned not more than 5 years." Section 22-504 (1993) states: "Whoever unlawfully assaults, or threatens another in a menacing manner, shall be fined not more that $500 or be imprisoned not more than 12 months, or both." Section 22-507 (1993) provides that conviction of making threats to do bodily harm carries a penalty of up to a $500 fine or six months imprisonment, or both, and that a bond to keep the peace for up to one year may be imposed in addition to or in place of fine or imprisonment.

More seriously, the killing of another is homicide. Again, the circumstances of the brawl will determine the charge; an accidental death may be second-degree murder or manslaughter. D.C. Code Ann. § 22-2403 (1993) states: "Whoever with malice aforethought...kills another, is guilty of murder in the second degree [except where defined as first-degree murder]."

Manslaughter occurs where homicide is committed at a time of mutual combat, in passion or hot blood caused by adequate provocation. United States v. Hardin, 443 F.2d 735 (D.C. Cir. 1970). Under D.C. Code Ann. § 22-2404 (1993), an accidental killing may constitute second-degree murder. The distinction between second-degree murder and manslaughter is the element of malice, which is a state of mind showing a heart that is without regard for the life and safety of others. United States v. Hinkle, 487 F.2d 1205 (D.C. Cir. 1973), aff'd, 492 F.2d 660 (D.C. Cir. 1974). If it can be proved that Adam and Alex reasonably could have foreseen that their actions were likely result in Joe's death, malice can be presumed and a charge of second-degree murder sustained. If not, manslaughter is the likely charge.

The punishment for second-degree murder is imprisonment for life or not less than 20 years. D.C. Code Ann. § 22-2404. The penalty for manslaughter is a fine of up to $1,000 or imprisonment of up to 15 years, or both. D.C. Code Ann. § 22-2405 (1993).

5. **Has Jose violated any District law even though he is not drinking? Has Carlos or TJ violated any District law?**

As long as Jose is not drinking, he is not guilty of any violation. If they are drinking in the car, however, Carlos and TJ are both violating several District laws. Under D.C. Code Ann. § 25-128(a) (1993), "[n]o person shall in the District of Columbia drink any alcoholic beverage or possess in an open container any alcoholic beverage in any street, alley, park, or parking; or in any vehicle in or upon the same...." Any person violating this section shall be punished by a fine of up to $100, or by imprisonment of up to 90 days, or both. D.C. Code Ann. § 25-128(c). TJ, who is only 18 years old, is in violation of D.C. Code Ann. § 25-130(b) (1993), which establishes 21 as the drinking age in the District. If Carlos is providing TJ with the alcohol, he is violating D.C. Code Ann. § 25-130(c), which provides that no person shall offer, give, provide, or otherwise make available any alcoholic beverage to a minor. If TJ falsely represented his age in order to get the alcohol himself, he is violating § 25-130(a), which makes such an offense a misdemeanor punishable by a fine of up to $25, and, in default of payment, imprisonment of up to 10 days.

6. **Is Dr. Melrose committing any violation by prescribing painkillers without conducting an examination or determining need?**

Dr. Melrose is violating not only District but federal law. Dr. Melrose could lose his license under D.C. Code Ann. § 2-3305.14(a)(7) (1993), which prohibits health professionals from providing or attempting to provide any drug without valid medical indication. If Dr. Melrose prescribes any drug without first examining the patient to determine medical need,

the prescription is not valid; Dr. Melrose is therefore in violation of D.C. Code Ann. § 33-538 (1993), which prohibits dispensing a controlled substance without a prescription. He is also violating D.C. Code Ann. § 33-541(a)(1) (1993), which prohibits knowingly or intentionally distributing a controlled substance.

In addition, under U.S. law 21 U.S.C.A. § 829 (West 1993), a physician must have a legitimate medical purpose for dispensing drugs, and the act of dispensing or prescribing drugs should be within the usual course of professional practice. U.S. v. Varma, 691 F.2d 460 (1982); U.S. v. Jamieson, 605 F.Supp. 119 (1985).

Dr. Melrose's patients, if they do not provide to him a bona fide reason for needing the painkillers, may also be breaking the law. D.C. Code Ann. § 33-543(3) (1993) states: "It is unlawful for any person knowingly or intentionally to acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge." This offense is punishable by imprisonment for up to four years, a fine of up to $50,000, or both. Federal law under 21 U.S.C.A. § 843 (West 1993) likewise prohibits knowingly or unknowingly acquiring possession of a controlled substance by these methods. If the patient lies to Dr. Melrose to try to get him to prescribe the drugs, he is misrepresenting his condition and using deception. If such is the case, his communication with the doctor is not protected by patient-physician privilege and could be used in court. D.C. Code Ann. § 33-566 (1993).

7. **Is Danielle violating any law by taking only one or two pills from someone else's prescription?**

Danielle is violating several state and federal laws. First, she is stealing. D.C. Code Ann. § 22-3811(b) (1993) defines theft as when a person "wrongfully obtains or uses the property of another with intent to deprive the other of a right to the property or a benefit of the property or to appropriate the property to his or her own use or to the use of a third person." Under D.C. Code Ann. § 22-3802 (1993), amounts received pursuant to a systematic course of conduct in violation of § 22-3811 may be aggregated in determining the grade of the offense and the sentence, so that if Danielle repeatedly steals from customers, she faces a higher charge and penalty. If the value of the property is $250 or more, she is guilty of theft in the first degree and may be fined up to $5,000 or imprisoned for up to 10 years, or both; if the value is less than $250, she is guilty of second-degree theft and may be fined up to $1,000 or imprisoned for up to one year, or both. D.C. Code Ann. § 22-3812 (1993). Danielle may also be guilty of taking property without right, an offense which carries a fine of up to $300 or 90 days imprisonment, or both. D.C. Code Ann. § 22-3816 (1993).

More seriously, she is stealing controlled substances, which places her in violation of D.C. Code Ann. § 33-538 (1993), which prohibits dispensing a controlled substance without a prescription; D.C. Code Ann. § 33-541(a)(1) (1993), which prohibits knowingly or intentionally possessing or distributing a controlled substance; and D.C. Code Ann. § 33-543(3) (1993), which prohibits knowingly or intentionally acquiring or obtaining possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge. She is also violating U.S. law under 21 U.S.C.A. § 843 (West 1993), which likewise prohibits knowingly or unknowingly acquiring possession of a controlled substance by any of these methods, and 21 U.S.C.A. § 844 (West 1993), which prohibits simple possession of a controlled substance unless such substance was obtained by prescription. Violation of D.C. Code Ann. § 33-543, obtaining a controlled substance by misrepresentation, etc., is punishable by imprisonment for up to four years, a fine of up to $50,000, or both. The seriousness of her crime under the other drug control codes will depend on the type of drugs she takes from the customers' prescriptions and how she uses them.

8. **Is Renee breaking state law even though she is not selling the drugs herself?**

Even though she is not selling the drugs directly, Renee is violating several state and federal laws. D.C. Code Ann. § 33-547 states: "Any person who is 21 years of age or over and who enlists, hires, contracts, or encourages any person under 18 years of age to sell or distribute any controlled substance, in violation of § 33-541(a), for the profit or benefit of [the adult] shall be punished for sale or distribution in the same manner as if that adult directly sold or distributed the controlled substance." Conviction of this offense is punishable by imprisonment of up to 10 years or a fine of up to $10,000, or both, for a first offense; for a second offense, the penalties are doubled. In addition, D.C. Code Ann. § 22-105 (1993) provides that all persons advising, inciting or conniving at an offense, or aiding or abetting the principal offender, shall be charged as principals and not as accessories.

Thus, Renee is violating D.C. Code Ann. § 33-541(a)(1) (1993), which prohibits knowingly or intentionally manufacturing, possessing or distributing a controlled substance, or possessing such with intent to manufacture or distribute; § 33-538 (1993), which prohibits dispensing a controlled substance without a prescription; § 33-543a (1993), which prohibits knowingly opening or maintaining any place to manufacture, distribute, or store for the purpose of manufacturing or distributing a narcotic or abusive drug; and § 33-546(a) (1993), which prohibits anyone age 21 or over from distributing controlled substances to anyone under age 18. Violation of § 33-543a carries a penalty of five to 25 years imprisonment, or a fine of up to $500,000, or both; violation

of § 33-546(a) may be punished by the fine authorized in § 33-541, imprisonment twice that authorized in § 33-541, or both. The punishment for violation of the other drug-control statutes depends on the type and quantity of substance Renee is dealing.

Renee is also violating similar federal statutes such as 21 U.S.C.A. § 841 (West 1993), which prohibits possession of a controlled substance with the intent to manufacture, distribute or dispense such substance; 21 U.S.C.A. § 844 (West 1993), which prohibits simple possession of a controlled substance; and 21 U.S.C.A. § 861 (West 1993), which prohibits the knowing and intentional use of any person under 18 years of age to violate any federal drug-control provision.

Renee must be receiving the drugs from another supplier. If so, she is participating in a drug conspiracy and may be guilty under D.C. Code Ann. § 33-549 (1993). Conspiracy to commit any offense defined in the D.C. Code's subchapter on controlled substances is punishable by imprisonment or fine or both which may not exceed the maximum punishment prescribed for the offense, the commission of which was the object of the conspiracy. She may also be violating federal law under 18 U.S.C.A. § 371 (West 1993), which prohibits conspiracy to commit any offense against the United States, and 21 U.S.C.A. § 846 (West 1993), which prohibits any attempt or conspiracy to commit any violation of federal drug-control statutes.

By involving her daughter in drug-related activity, Renee stands to lose custody. D.C. Code Ann. § 6-2104.1 (1993) provides for an investigation and lists social services, including removal of the child from the home, which may be appropriate. In addition, D.C. Code Ann. § 16-2309(a)(2) and (a)(3) (1993) provide that a child may be taken into custody by a law enforcement officer when he has reasonable grounds to believe that the child that the child has committed a delinquent act or when he has reasonable grounds to believe that the child is in immediate danger from his or her surroundings and that the removal of the child from his or her surroundings is necessary. The child carrying the drugs and completing the drug sales for her mother constitutes a delinquent act in this case, but it also puts the child in immediate physical danger, allowing an officer to remove her from the home immediately.

Renee could receive heavier sentencing under federal statutes. Under 21 U.S.C.A. § 859 (West 1993), the distribution of a controlled substance to a person under 21 years of age is subject to increased penalties. The United States expressed its concern with the importance of protecting children from drug trafficking under 21 U.S.C.A. § 860 (West 1993), which imposes heavier prison sentences in cases involving the distribution or manufacture of controlled substances in the proximity of schools, playgrounds, or youth centers. 18 U.S.C.A. App.

4 § 3B1.3 (West 1993) also provides for increased sentences in cases of abuse of position of trust, as in a drug trafficking defendant's involvement of her young daughter in the drug trade. U.S. v. Ledesma, 979 F.2d 816 (1992).

9. **Did Jim violate any law other than those regarding controlled substances?**

Jim and Andre, in addition to violating various local and federal drug-control statutes, are violating D.C. Code Ann. § 22-550 (1993), which bars anyone except authorized medical personnel from possessing drug paraphernalia including hypodermic needles or syringes with intent to use it for administration of a controlled substance; they are also violating D.C. Code Ann. § 33-603 (1993), which prohibits delivering or selling, or possessing with intent to use, deliver or sell, drug paraphernalia. Conviction under § 33-550 carries a penalty of a fine up to $500 or imprisonment for up to one year, or both; conviction under § 33-603 is punishable by up to two years imprisonment, a fine of up to $5,000, or both.

The District legislature has not yet created any law dealing specifically with transmission of the HIV virus in this type of situation, nor has it arisen in the D.C. courts. Under the Model Penal Code, however, such behavior could constitute simple or aggravated assault or the attempt thereof, or reckless endangerment; under certain extreme situations, it could be construed as murder. See Gene Schultz, AIDS: Public Health and the Criminal Law, 7 St. Louis U. Pub. L. Rev. 65 (1988); Roger N. Braden, AIDS: Dealing With the Plague, 19 N. Ky. L. Rev. 277 (1992). In some cases, it has been suggested that the HIV virus provides a deadly weapon. Cf. Brock v. State, 555 So.2d 285 (Ala. Crim. App. 1989).

Jim's companion, Andre, is guilty under D.C. Code Ann. § 22-2401 (1993) of murder in the first degree. This section provides that "[w]hoever, being of sound memory and discretion, kills another...in perpetrating or attempting to perpetrate a felony involving a controlled substance, is guilty of murder in the first degree." The penalty for first-degree murder is life imprisonment. D.C. Code Ann. § 22-2404(a) (1993).

10. **Has the bartender or the owner at Bulldog's Bar and Grill violated any law?**

Under D.C. Code Ann. § 25-121(b) (1993), "[n]o person being the holder of a retail license...shall permit on the licensed premises the consumption of alcoholic beverages...by any intoxicated person, or any person of notoriously intemperate habits, or any person who appears to be intoxicated." Thus, the bar owner is violating this District law. While this section does not in itself provide a cause of action against

the bar owner, it supplies the standard of care by which the owner's conduct is to be measured under the common law. Rong Yao Zhou v. Jennifer Mall Restaurant, Inc., App. D.C., 534 A.2d 1268 (1987). But see, Norwood v. Marrocco, 586 F. Supp. 101 (D.D.C. 1984), aff'd, 780 F.2d 110 (D.C. Cir. 1986). Third parties suffering accidental injuries as a result of the acts of an intoxicated person may state a cause of action against a tavern keeper where they allege (1) that the tavern keeper violated subsection (b) of [§ 25-121] by serving a patron who was, or appeared to be, already intoxicated, and (2) that the statutory violation was a proximate cause of the injuries. Rong Yao Zhou v. Jennifer Mall Restaurant, Inc., App. D.C., 534 A.2d 1268 (1987).

Lesson 2

CRIMINAL JUSTICE STATISTICS: DRUG AND ALCOHOL RELATED OFFENSES

UNIFORM CRIME REPORT DATA OF 1990--CRIME IN THE UNITED STATES

According to the Uniform Crime Report of 1990, 68% of the drug abuse violators were arrested for possession of heroin, cocaine or a narcotic derivative. A little over 31% of drug arrests were for the sale and manufacture of drugs.

Out of the 14,195,100 total number of arrests that occurred in 1990, drug abuse violations accounted for 1,089,500, driving under the influence comprised 1,810,800, and liquor law violations represented 714,700 of the total.

1981-1990 Ten Year Trend

Arrests for Drug Abuse Violations

In 1981, the total number of arrests for drug abusers under the age of 18 was 69,383. On the other hand in 1990, the total number was 50,435. This represents a 27.3% **decrease** in the number of arrests for persons under the age of 18. However, the number of arrests for persons over the age of 18 represent an 89.9% **increase** from 332,733 in 1981 to 631,932 in 1990.

Liquor Law Violations

For persons over the age of 18, the number of arrests for liquor law violations have dramatically **increased** to 61% from 218,079 in 1981 to 351,064 in 1990. However, the number of arrests for persons under the age of 18 has decreased to less than 0.4%.

♦ ♦ ♦

Criminal Victimization in the United States, 1990 A National Crime Victimization Survey Report, February, 1992

Percent Distribution of Victimizations by Perceived Drug or Alcohol Use by Offender:

- Of the **130,260** total rapes reported by victims to police, **49.8%** were believed to be committed by someone under the influence of drugs or alcohol.
- Of a total of **1,149,710** reported robberies, **24.2%** involved an offender under the influence of drugs or alcohol.
- Of **1,600,760** aggravated assaults committed **40%** were committed by people under the influence of drugs.
- Of the **3,128,130** simple assaults reported, **32.9%** were perpetrated by someone perceived to be under the influence of drugs or alcohol.

Lesson 4

FEDERAL SCHEDULE (answers to handout 3)

DRUG	SCHEDULE
heroin	schedule 1
beer	not a scheduled drug
vodka	not a scheduled drug
nitrate	not a scheduled drug
amphetamines	schedule 3
caffeine	not a scheduled drug
marijuana	schedule 1
crack	schedule 2
scotch	not a scheduled drug
MSG	not a scheduled drug
cocaine	schedule 2
glue	not a scheduled drug

FEDERAL PENALTIES BY SCHEDULE FOR POSSESSION

SCHEDULE	MAX. PRISON	MAX. FINE	MAX. TOTAL
schedule 1	15 years	$25,000	15yrs + $25,000
schedule 2	15 years	$25,000	15yrs + $25,000
schedule 3	5 years	$15,000	5yrs + $15,000
schedule 4	3 years	$10,000	3yrs + $10,000
schedule 5	1 year	$ 5,000	1yr + $ 5,000
unscheduled drug	n/a	n/a	n/a

The penalty doubles if the defendant has a previous conviction for a schedule law violation.

In order for a drug to be a narcotic, it must be a derivative of opium. All narcotics contain opium or opium derivatives, ie: heroin.

Malt beverages such as beer are not included in the scheduling process. They are controlled by liquor laws.

Information from 21 U.S.C.A. § 841 (West 1981).

States	Heroin	Cocaine	Crack	Marijuana	Amphetamine
Alabama	sch 1	sch 2	sch 2	sch 1	sch 3
Alaska	sch 1A	sch 2A	sch 2A	sch 3A	sch 4A
Arizona	sch 1	sch 2	sch 2	sch 1	sch 2
Arkansas	sch 1	sch 2	sch 2	sch 1	not listed
California	sch 1	sch 2	sch 2	sch 1	sch 2
Colorado	sch 1	sch 2	sch 2	sch 1	sch 2
Connecticut	sch 1	sch 2	sch 2	sch 1	sch 3
Delaware	sch 1	sch 2	sch 2	sch 1	sch 2
D.C.	sch 1	sch 2	sch 2	sch 2	sch 2
Florida	sch 1	sch 2	sch 2	sch 1	sch 2
Georgia	sch 1	sch 2	sch 2	sch 1[1]	sch 2
Hawaii	sch 1	sch 2	sch 2	sch 1	sch 2
Idaho	sch 1	sch 2	sch 2	sch 1	sch 2
Illinois	sch 1	sch 2	sch 2	listed under its act: the Cannabis Control Act, 56 1/2 §701 et seq	sch 2
Indiana	sch 1	sch 2	sch 2	sch 1	sch 2
Iowa	sch 1	sch 2	sch 2	sch 1	sch 2
Kansas	sch 1	sch 2	sch 2	sch 1	sch 1
Kentucky	sch 1	sch 2	sch 2	sch 1	sch 2
Louisiana	sch 1	sch 2	sch 2	sch 1	sch 2
Maine[2]	sch W	sch W	sch W	sch W & Z	sch W
Maryland	sch 1	sch 2	sch 2	sch 1	sch 1
Massachusetts[3]	class A	class B	class B	class D	class B
Michigan	sch 1	sch 2	sch 2	sch 1	sch 2
Minnesota	sch 1	sch 2	sch 2	sch 1	sch 2
Mississippi	sch 1	sch 2	sch 2	sch 1	sch 2
Missouri	sch 1	sch 2	sch 2	sch 1	sch 2
Montana	sch 1	sch 2	sch 2	sch 1	sch 2

[1] Must have more than 15% THC (tetrahydrocannobinol), the chemical in the cannabis plant.

[2] Maine schedules its drugs under an alphabetical category: W, X, Y & Z. The schedules are similar to other state categorizations.

[3] Massachusetts calls their schedules classes, but they are the same thing.

States	Heroin	Cocaine	Crack	Marijuana	Amphetamine
Nebraska	sch 1	sch 2	sch 2	sch 1	sch 2
Nevada[4]	sch 1	sch 2	sch 2	sch 1	sch 3
New Hampshire	sch 1	sch 2	sch 2	sch 1	sch 3
New Jersey	sch 1	sch 2	sch 2	sch 1	sch 3
New Mexico	sch 1	sch 2	sch 2	sch 1 & 2	sch 2
New York	sch 1	sch 2	sch 2	sch 1	sch 2
North Carolina	sch 1	sch 2	sch 2	NC has a sixth schedule which incl. marijuana	sch 2
North Dakota	sch 1	sch 2	sch 2	sch 1	sch 2
Ohio	sch 1	sch 2	sch 2	sch 1	sch 2
Oklahoma	sch 1	sch 2	sch 2	sch 1	sch 2
Pennsylvania	sch 1	sch 2	sch 2	sch 1	sch 2
Puerto Rico	sch 1	sch 2	sch 2	sch 1	sch 3
Rhode Island	sch 1	sch 2	sch 2	sch 1	sch 2
South Carolina	sch 1	sch 2	sch 2	sch 1	sch 2
South Dakota	sch 1	sch 2	sch 2	sch 1	sch 2
Tennessee	sch 1	sch 2	sch 2	sch 2, but only for certified patients under the Controlled Substances Therapeutic Research Act	sch 2
Texas	sch 1	sch 2	sch 2	sch 1	sch 2
Utah	sch 1	sch 2	sch 2	sch 1	sch 2
Vermont	sch 1	sch 2	sch 2	sch 1	sch 3
Virginia	sch 1	sch 2	sch 2	not listed, but liquid marijuana or hashish oil is listed as sch 1	sch 2
Washington	sch 1	sch 2	sch 2	sch 1	sch 2
West Virginia	sch 1	sch 2	sch 2	sch 1	sch 2
Wisconsin	sch 1	sch 2	sch 2	sch 1	sch 2

[4] While Nevada does not specifically name drugs under its five schedules, but instead lists the specific tests to determine under which schedule a drug belongs § 453.2182 says that the state will use 21 USC as a guide for scheduling. The state merely reserves the right to reschedule any controlled substance as it sees fit according to the tests set out in 453.166, et. seq.

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States	Heroin	Cocaine	Crack	Marijuana	Amphetamine
Wyoming	sch 1	sch 2	sch 2	sch 1	sch 2

Lesson 5

OFFENSE/SUBSTANCE	SENTENCE
First Offense: Cocaine - Possession With Intent To Distribute - 5 kg	• imprisonment not to exceed 30 years, and/or • a fine not to exceed $500,000
First Offense: Trace of Heroin - Possession of 1 kg or more of a mixture with a small, but detectable amount of heroin	• imprisonment not to exceed 1 year, and/or • fine not to exceed $1000
First Offense: Codeine - Possession - 200 mg	• imprisonment not to exceed 1 year, and/or • fine not to exceed $1000
Second Offense: Marijuana - Possession - 50 kg	• imprisonment not to exceed 2 years, and/or • fine not to exceed $2000
Third Offense - Methamphetamine - Possession - 100 g	• imprisonment not to exceed 2 years, and/or • fine not to exceed $2000

Cite: D.C. Code §33-541

Current Federal Penalties:

Group 1 and Group 2: . . . person shall be sentenced to prison which may not be less than 10 years or more than life and a fine not to exceed 4 million dollars.

Group 3: . . . person shall be sentenced to a term of imprisonment of not more than one year, a fine not exceed $250,000 in the case of an individual.

Group 4: . . . person shall be sentenced to a term of imprisonment of not more than 10 years, a fine not to exceed $500,000.

Group 5: . . . person shall be sentenced mandatory life imprisonment without release and fine not to exceed $8 million.

Cite: 21 U.S.C. § 841 (1992).

Lesson 6 & 7

1. **What does DWI stand for?**

Driving while intoxicated. Under §40-716 it is illegal to drive while under influence of intoxicating liquor or with a blood alcohol concentration (BAC) of 0.10 or more.

2. **What does DUI stand for?**

Driving under the influence. Under §40-716 it is illegal to drive while ability is impaired or with a BAC of 0.10 or more.

3. **In terms of penalties, is being convicted of DWI more serious than being convicted of DUI?**

Under D.C. law, driving while under the influence of intoxicating liquor has more serious penalties than driving while impaired.

4. **What are the penalties for being convicted of DWI? DUI?**

The penalties for DUI convictions are:

CONVICTIONS	PUNISHMENT
first conviction	• a fine not to exceed $300 and/or prison for not more than 90 days.
second conviction within 15 years	• a fine not to exceed $5000 and or prison for not more than 1 year.
third or subsequent conviction	• a fine not to exceed $10,000 and or jail for not more than 1 year.

The penalties for driving while impaired are:

CONVICTIONS	PUNISHMENT
first conviction	• fine not to exceed $300 and/or jail for not more than 30 days.
second conviction within 15 years	• fine not to exceed $300 and/or jail for not more than 90 days.
third and subsequent convictions	• fine not to exceed $5000 and/or jail for not more than 1 year.

5. **What is the penalty for refusing to submit to a breathalyzer test upon a police officer's reasonable request?**

Under §40-502 if one drives in the District of Columbia s/he consents to a breath test. Refusal to take the test will result in license suspension under §40-505 for 12 months.

6. **What must a person's blood alcohol content (BAC) be before he/she is legally intoxicated?**

A BAC of 0.10 indicates intoxication in the District of Columbia.

7. **The legal limit for blood alcohol is lower for persons under the legal drinking age of 21. True or False?**

False. District of Columbia law does not provide a lower BAC for persons under 21.

8. **An open container of alcohol can be in your car if you are 21 or over. True or False?**

False. Section 25-128 makes it illegal for a person to drink or possess alcohol from an open container in public place or while in vehicle. The penalty for the violation is a fine of not more than $100 and/or jail not more than 90 days.

Lesson 9

Although the drinking age is 21 in all 50 states (meaning specifically that the sale of alcohol to minors is prohibited), the laws on teenage drinking vary from state to state. The laws vary in regard to whether they include prohibition of the purchase of alcohol, the attempt to purchase alcohol, the consumption of alcohol and the possession of alcohol. According to the March 11, 1993 Safety Recommendation report of the National Transportation Safety Board,

- Five states (DE, FL, MT, NH & NY) and the District of Columbia do not prohibit the purchase of alcohol by minors.
- West Virginia and the District of Columbia do not prohibit public possession of alcohol by minors.
- 23 states (AK, AR, DE, DC, FL, GA, RI, IL, IA, LA, ME, MD, MI, MS, MT, NV, NH, NY, SC, TX, UT, VT, VA) do not prohibit minors from attempting to purchase alcohol.
- 21 states (AR, CO, CT, FL, GA, HI, IA, KY, LA, MA, MS, MO, NE, NH, NM, NC, OR, SC, VT, WV, WY) do not prohibit alcohol consumption by minors.
- 16 states (AR, CA, CO, NI, KY, LA, ME, MI, NM, NY, NC, OK, SD, VA, WA, WY) do not prohibit minors from misrepresenting their age in order to purchase alcohol.
- 19 states (AL, AR, CO, DE, DC, IA, KS, LA, MD, MN, MT, NJ, OR, PA, SC, UT, VA, WA, WI) do not prohibit minors from presenting false ID to purchase alcohol.

In addition, most states do no prohibit minors from driving with alcohol in their blood unless their blood alcohol content reaches the adult legal limit, which is .10 percent in most states. Fifteen states, however, have amended their laws to lower for minors the permitted blood alcohol content while driving. These laws vary according to the age under which minors must be in order for the lower blood alcohol content to apply. Here is the layout for state laws on blood alcohol content for minors while driving:

0.00 BAC	0.01 BAC	0.02 BAC	0.04 BAC	0.05 BAC	0.06 BAC
AZ (<21)	NJ (<21)	ME (<21)	RI (<21)	CA (<18)	GA (<18)
NC (<19)		MD (<21)	NH (<21)	NM (<18)	
OR (<21)		OH (<18)			
UT (<21)		VT (<18)			
WI (<18)					

A number of states have tried to cut down on teenage driving accidents by implementing nighttime driving restrictions. The following states have some form of curfew for teenage driving:

ID: minors <16 can drive during the daytime only
IL: minors <17 cannot drive between 11pm-6am Mon-Thur and 12am-6am Fri-Sun
LA: minors <15 cannot drive between 11pm-6am Mon-Thur and 12am:6am Fri-Sun
MD: minors <16 cannot drive between 12am-5am
MA: minors <18 cannot drive between 1am-4am
NY: minors <18 cannot drive between 9pm-5am
PA: minors <18 cannot drive between 12am-5am
SD: minors <16 cannot drive between 8pm-6am.